

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern
California Edison Company (U 338-E) for
Authority to Lease Communication Facility Sites
and Antenna Equipment Locations to AT&T
Wireless Services of California, LLC (U-3010-C)

Application 01-11-043
(Filed November 21, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON MOTION FOR PROTECTIVE ORDER**

Southern California Edison Company (SCE) and AT&T Wireless Services of California, LLC (AT&T Wireless) request a ruling to renew the authority of SCE to maintain under seal certain contract information in agreements for SCE's lease of space to AT&T Wireless. AT&T Wireless uses the leased space in its wireless communications network.

As part of their application, SCE and AT&T Wireless submitted under seal a Master Site Agreement, Standard Site Agreement, Master Attachment Agreement and Standard Attachment Agreement. They also submitted redacted public versions of the four agreements. Applicants state that the agreements contain certain information that is confidential and commercially sensitive for AT&T Wireless.

The parties seek to maintain the confidentiality of terms of compensation to be paid by AT&T Wireless to SCE, certain terms of the agreements and their renewal periods, and monetary amounts for liquidated damages in the Master Attachment Agreement. According to AT&T Wireless, specific details about

these matters could disclose to competitors material information about the economics and business plans of AT&T Wireless.

Commission decisions on confidentiality reflect an attempt to balance the market's need for information against a utility's or third party's need for confidentiality of its business operations and strategy. In applying this balancing test, the Commission has consistently upheld the need for confidentiality in cases involving fiber optical lease agreements between competitive communications companies and electric utilities. (*See, e.g.*, Application 99-09-036, Administrative Law Judge (ALJ) Ruling issued November 16, 1999.)

Applicants' motion for a protective order under Pub. Util. Code § 583 and General Order 66-C was initially granted by an ALJ Ruling dated December 19, 2001. The motion to extend that protective order is unopposed. A public hearing on the motion is unnecessary.

Good cause appearing, **IT IS RULED** that:

1. The motion of applicants to renew the authority to maintain the confidentiality of certain commercially sensitive information in this application is granted to the extent set forth below.
2. The redacted portions of the Master Site Agreement, Standard Site Agreement, Master Attachment Agreement and the Standard Attachment Agreement that are part of this application, which information has been submitted under seal, shall remain under seal for a period of two years from the date of this ruling, and during that period shall not be made accessible or disclosed to anyone other than Commission staff except (1) on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion

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Judge, or (2) upon execution of an appropriate nondisclosure agreement by the party to whom disclosure is made.

3. If applicants believe that further protection of this information is needed after two years, applicants may file a motion stating the justification for further withholding the information from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than 30 days before the expiration of this protective order.

Dated December 2, 2003, at San Francisco, California.

/s/ GLEN WALKER
Glen Walker
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Motion for Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated December 2, 2003, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.